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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,032	03/01/2002	Takuya Kuroda	O3020.0296/P296	8823
24998	7590	11/13/2006	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			SETH, MANAV	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,032

Applicant(s)

KURODA ET AL.

Examiner

Manav Seth

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 6-12 is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment received on August 28, 2006 has been entered in full.
2. Applicant's amendment to the claims has been entered and based on the amendments, claim rejections under 35 USC 112, first paragraph, on the respective claims have been withdrawn. Based on the amendments to the claims, the rejections on claims 1-3 and 6-12 under 35 USC 103 have been withdrawn. However, claims 13-15 still stand rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al., U.S. Patent No. 6,608,914 in view of Lu et al., U.S. Patent No. 5,550,928.

Regarding **claim 13**, Yamaguchi discloses:

- a TV camera (a living body information imaging means) to detect the human face (living body information) (column 4, lines 54-57, column 5, lines 22-23).

- a registration information holding section, 18, (a registration data storage means) for storing a registration data (figure 1, column 6, lines 15-16 and lines 63-65).
- A recognition section, 16, (an identifying means) for identifying the living body information by comparing the living body information achieved with the registration data stored in registration information holding section, 18, (column 6, lines 19-25).
- A registered information updating section, 20, (an optimization candidate data extracting means) which outputs data using instructions (extracting optimization candidate data) for data renewal (column 7, lines 20-22 and 36-39; column 8, lines 4-11) where plurality of different data is extracted.

Yamaguchi does teach extracting multiple or plurality of data but Yamaguchi does not teach the step of storing (or accumulating) the data extracted by registered information updating section, 20, (optimization candidate data extracting means) in the memory (optimization candidate data storage means) for a predetermined period and then sending this data for data renewal. It is an inherent fact that a memory is nothing but a circuit that holds the data and thus providing a delay between input and output ports of the circuit and a memory designer does design the memory according to the delay desired, therefore inherently such a delay (accumulation or storage) time for which memory stores a data is predetermined. However, Lu discloses a processing unit 216 which compares the parameters calculated by block 204 to the reference parameters, which are stored in the Eigenface parameter library file 202, relating to each of the known viewers, and determines the scores between the parameters of the face in the current image and the parameters of each of the known viewers and these scores are further sent to block 208 which stores these scores in an Eigenface recognition file 210 (column 16, lines 48-58).

Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to use the method of Lu of storing data extracted by a processing unit into a memory storage unit by in the invention of Yamaguchi. One would have been motivated to use the method of Lu of storing data extracted by a processing unit into a memory storage unit in the invention of Yamaguchi because both references are directed towards biometric identification process and system and Lu further provides the well-known concept of storing the extracted data into a memory so that the data stored can be routed to other processing elements of the system for further processing as required and will provide a better accessibility and data synchronization during data transfer to other units of the system and further adding that it being inherent that a computing device cannot work or function without the memory or storage.

Yamaguchi further discloses a registration information holding section, 18, (a renewal storage means) for storing the newly renewed plural data and it is clear that if a update or renewal is done to replace the old data, it makes it obvious that the new data to be stored will have higher priority than the old registration data and this is the basic purpose of renewing the old data. Yamaguchi further discloses that "if no recognition has been made for a longer time period, the update method for recognition method is decided" (col. 8, lines 30-40), thus older data stands no priority and all the higher priority goes to the renewed data (or new stored data). Yamaguchi also further provides a graph in figure 2, which shows that in case of a living body information, the similarity degree lowers as the number of days are elapsed. The data entry only once is not sufficient for conducting accurate authentication, thus renewed data with respect to time achieves a higher priority than the older data.

Claim 13 further recites a **living body identifying system** that is equipped with optimization candidate data storage means and a renewal storage means. Yamaguchi's invention combined with

Lu's invention provides such a device. Further Yamaguchi discloses that such a device structure is feasible by using a personal computer (**a center device**) with a frame grabber connected with TV camera (column 4, lines 54-67). Examples of such a system can be referred to as ATM machine, an airport security system etc.

The claim further recites "renewing the registration data when a renewing request is made". Yamaguchi clearly discloses renewing the registration data and further adding it being inherent that if a system is used to renew the data, it needs some instructions or it needs to be programmed by a user without which it won't work and such a programming makes it possible to renew the data when the renewing request is made through the system.

Claims 14 and 15 have been similarly analyzed and rejected as per claim 13.

Allowable Subject Matter

Reasons of Allowance:

5. Claims 1-3 and 6-12 are allowed.

The following is an examiner's statement of reasons of allowance:

Both the instant invention and the closest prior art Yamaguchi et al., U.S. Patent No. 6,608,914, are directed to a living body identifying system and method. The instant invention further recites the limitation "a circuit for maintaining: a first threshold value used for identification, a second threshold value set to be lower than the first threshold value, and an error value, wherein said error value is not more than the second threshold value" in claim 1, which is not taught by the

prior art of record. Therefore claim 1 is allowed. All other claims depending on claim 1 are allowable at least by dependency on claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Manav Seth
Art Unit 2624
November 6, 2006